

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

JANE DOE as next friend for “FIONA,” a minor,
“ERIN,” “VICKY,”
JANE ROE as next friend for
“SKYLAR” and “SAVANNAH,” minors,
JOHN DOE as next friend for “SALLY”
and “SIERRA,” minors, and “SARAH”

Plaintiffs,

v.

KIRK NESSET,

Defendant.

Civ. No. 16-cv-00303-DSC

**DECLARATION OF
JAMES R. MARSH
IN SUPPORT OF PETITION
TO APPROVE MINOR
PLAINTIFF FIONA’S
SETTLEMENT AND ENTER
AN ORDER OF DISMISSAL**

I, JAMES R. MARSH, declare under penalty of perjury that the following is true and correct:

1. I am an attorney licensed to practice law in the State of New York and the District of Columbia.
2. I am making this declaration based upon my own personal knowledge and professional experience as an attorney, in support of the Plaintiffs’ petition to approve the settlement of this matter and for an order of dismissal.
3. In 2005, I began representing victims of child pornography and online exploitation. I have represented such victims in both criminal and civil cases at all levels of the federal court system including the United States Supreme Court. I have also helped enact major law reform in Congress to enhance the ability of victims to obtain compensation in civil and criminal child pornography cases.
4. I have represented the minor Plaintiff “Fiona” since 2013 in both criminal and civil matters related to her victimization through child pornography.

5. Fiona lives outside Pennsylvania and is not subject to either guardian or conservatorship proceedings.

6. [REDACTED]

7. “Jane Doe” is Fiona’s mother and custodial parent and is Fiona’s next friend in this proceeding. I have communicated with her concerning this matter and she is in agreement with the proposed settlement.

8. [REDACTED]
[REDACTED]

9. The amount of the settlement in this case is similar to the amounts many of my child pornography clients have received in other similar cases.

10. Given the circumstances of this case and the Defendant’s limited financial resources, I believe that this is a reasonable settlement which is in the best interests of Fiona. This is my independent judgment based on my knowledge and experience with other similar cases.

11. As stated above, I have been Fiona’s attorney for five years. As part of our retention, we provide wide-ranging legal services to Fiona. We review hundreds of potential cases per year for both civil litigation and criminal restitution. Only a small fraction of the potential civil cases we review are ever pursued since most of the defendants in federal child pornography cases are indigent. In this case, our firm worked extensively with local, state, and federal law enforcement to obtain the necessary evidence of the Defendant’s possession of Fiona’s child pornography images which is required to successfully pursue civil cases under 18 U.S.C. 2255. We also worked with the National Center for Missing and Exploited Children to obtain evidence concerning their statutorily mandated role in

these cases. We prepared a full set of discovery requests and responded to the Defendant's discovery requests including an extensive Rule 26 disclosure. I also travelled from New York to Pittsburgh to engage in a full day of settlement negotiations with Judge Kenneth Benson. We also prepared a mediation memo for that session.

12.

[REDACTED]

[REDACTED]

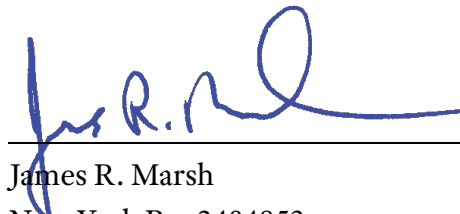
13.

[REDACTED]

[REDACTED]

14. I respectfully ask the Court to approve the settlement of this matter along with the associated attorney's fees and expenses, and for an order of dismissal.

Executed on October 3, 2018



James R. Marsh
New York Bar 2404853
MARSH LAW FIRM PLLC